IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.77359-M of 2006

Date of Decision: 3.5.2007

Harjit Singh ....Petitioner

Versus

State of Punjab . ....Respondent

CORAM HON'BLE MR. JUSTICE S. D. ANAND

PRESENT: Mr.Gaurav Sharma, Advocate for the petitioner.

Mrs.Manjri Nehru, Deputy Advocate General, Haryana.

JUDGMENT

The petitioner was posted as an Ahlmad in a Civil Court at Mansa at the relevant point of time. The prosecution allegations are that a file (of Civil Suit No 252 of 17.7.2003, "Nihal Singh Versus Bahadur Singh") in his custody was untraceable. An enquiry in the matter was held by the Civil Judge, Senior Division under the orders of the District Judge and he recorded a finding that it is the petitioner who, as custodian of the relevant file, was accountable for the mis-placement thereof. Thereafter, one of the parties also applied for the putting up of that file. Even that application was mis-placed by him. The following is the finding recorded by the civil Judge, Senior Division in the context:

> "In this connection, it is submitted that file of Civil Suit No.252 of 17.7.2003, captioned as "Nihal Singh Vs. Bahadur Singh" was missing. The Ld.Counsel for the plaintiff had moved applications (copies enclosed) for putting up the file. But Sh.Harjit Singh, who was working as Ahlmad in this Court, instead of putting up the file, had misplaced the applications for putting up the file in question and this Court had to reconstruct those applications as well and on one fine morning the official came up with the plea of conspiracy of the plaintiff with Clerk of the Advocate in misplacing the file, in his statement recorded by the undersigned (copy enclosed)."

Learned counsel for the petitioner argues in favour of the grant of anticipatory bail to the petitioner on an averment that file had not been received by him from the Reader on the relevant date or even thereafter. An Ahlmad is custodian of the file under his charge. It is for him to hand over the files to Reader for being taken up on a working day. Likewise, it is his duty to receive all the files from the Reader on the close of the Court hours. If the Reader does not hand over a file to the Ahlmad at the end of the day, it is for the latter to bring that fact to the notice of the Presiding Officer. In this case, the petitioner kept quiet for a fairly long period.

The mis-placement of a judicial file has serious consequences in the matter of system of administration of justice. An official of the Court cannot be allowed to behave in a lackadaisical manner in the matter of custody of the file. Further, it may be noticed that inspite of orders dated 22.2.2007 of

this Court directing the petitioner to join investigation, he did not join investigation for quite some time.

I do not find it to be a fit case to release the petitioner on anticipatory bail. Dismissed.

(S. D. ANAND)
JUDGE

May 3, 2007
SRM